

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PATTY BEALL, MATTHEW)
MAXWELL, TALINA McELHANY,)
AND KELLY HAMPTON,)
individually and on behalf)
of all other similarly)
situated,)
Plaintiffs,)

No. 2:08-cv-422VS

TYLER TECHNOLOGIES, INC.)
AND EDP ENTERPRISES, INC.,)
Defendants.)

ORAL DEPOSITION OF

TALINA REANN McELHANY

3/29/10

ORAL DEPOSITION OF TALINA REANN McELHANY,
produced as a witness at the instance of the DEFENDANTS,
and duly sworn, was taken in the above-styled and
numbered cause on the 29th day of March, 2010, from
9:14 a.m. to 12:35 p.m., before TINA TERRELL BURNEY, CSR
in and for the State of Texas, reported by machine
shorthand, at the offices of SLOAN, BAGLEY, HATCHER &
PERRY, 101 East Whaley Street, Longview, Texas 75601,
pursuant to the Federal Rules of Civil Procedure.

Talina McElhany - 3/29/2010

1 TALINA REANN MCELHANY,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. McKEEBY:

5 Q. Ms. McElhany, will you state your full name for
6 the record, please?

7 A. Talina Reann McElhany.

8 Q. Ms. McElhany, I usually introduce myself before
9 we get on the record, but in this case I didn't. My name
10 is Paulo McKeeby. You understand I represent Tyler
11 Technologies?

12 A. Yes.

13 Q. And I represent Tyler in connection with a
14 lawsuit in which you are a party. Do you understand
15 that?

16 A. Yes.

17 Q. And you were formerly employed by Tyler?

18 A. Yes.

19 Q. And you understand that Tyler acquired at some
20 point a company with which you were previously employed
21 called EDP?

22 A. Yes.

23 Q. And that acquisition took place in September of
24 2007?

25 A. Yes.

Talina McElhany - 3/29/2010

1 occasion in which you took one or more time sheets from
2 the company to your home?

3 A. No, I don't.

4 Q. Okay. Was there a time that you stopped
5 completing time sheets while you were employed with EDP
6 in Tyler?

7 A. Tyler, yes.

8 Q. When was that?

9 A. It was after Tyler bought EDP. I'm not
10 positive of the time. I would say -- I would estimate
11 that it was in the fall of 2007.

12 Q. And you left Tyler in August of 2008, correct?

13 A. Yes.

14 Q. How did you become aware that you were no
15 longer having to keep a time sheet?

16 A. We were told not to keep time sheets any
17 longer by our manager. I'm not sure what her title was
18 at that point.

19 Q. Who are you referring to?

20 A. Chandra Robins.

21 Q. Did she give you that instruction orally?

22 A. Yes.

23 Q. Did she give you that instruction personally,
24 or was it in a meeting?

25 A. I believe she just walked into our office.

Talina McElhany - 3/29/2010

1 Q. Do you know what she did with it?

2 A. No. I know that she had to sign them, but I
3 don't know after that what happened to them.

4 Q. How do you know she had to sign them?

5 A. Well, there was a place for her to sign them.

6 Q. Now, let me go back in chronology here. You
7 were hired, I think we established, in August of 2002 by
8 EDP?

9 A. Yes.

10 Q. And that's after you had heard about the job
11 from Chandra Rash?

12 A. Chandra Rash.

13 Q. I'm going to get that wrong.

14 A. That's okay because everybody does.

15 Q. Did you have an interview for a position?

16 A. Yes.

17 Q. And at that point, was it a particular
18 position?

19 A. Yes.

20 Q. What position was that?

21 A. Customer support representative.

22 Q. What was Ms. Rash's position?

23 A. She actually was not employed there when I
24 went to work there.

25 Q. She had been previously employed there?

Talina McElhany - 3/29/2010

1 Q. Who else did you report to?

2 A. Ms. McBride left probably a month or a month
3 and a half after I came to work there, and there was an
4 interim customer support manager for a period of time.

5 Q. Who was that?

6 A. Her name was Lisa Payne.

7 Q. Was she someone that was already working there?

8 A. Yes.

9 Q. And then what happened to her, did she leave as
10 well?

11 A. Eventually she did, but...

12 Q. Someone else became your manager?

13 A. Yes.

14 Q. Who became your manager?

15 A. Chandra Rash.

16 Q. So was Ms. Rash your manager for the remaining
17 time in which you were a customer support representative?

18 A. Yes.

19 Q. And then in September of '05, you became a
20 client liaison, correct?

21 A. Yes.

22 Q. Was that a promotion in your eyes?

23 A. Yes.

24 Q. Did you get more money?

25 A. I don't remember if I got a raise at that

Talina McElhany - 3/29/2010

1 casual discussions with your friend, Lisa White.

2 A. Through -- yes, through my conversations with
3 Lisa, and also through -- from my knowledge of knowing
4 that you're taking -- going from one software to a new
5 software, there is a process there.

6 Q. Was the client liaison position created at EDP
7 for the purposes of converting customers from Unix to
8 EDPro?

9 A. Yes. As far as I know, that's why it was
10 created.

11 Q. Did you have discussions with Chandra about the
12 hours that you would likely be working as a client
13 liaison similar to -- do you remember when you told me
14 that you had discussions with -- I think you said Kelly,
15 or maybe it was a group -- where you talked about
16 generally --

17 A. It was Kelly.

18 Q. It was Kelly. Where you talked about just
19 generally it's going to be 8:00 to 5:00, but there's
20 going to be some times where you would have to stay late,
21 and there's two weeks at the end of the school year where
22 you're going to have to work until 6:00 and have to work
23 at least one Saturday?

24 A. I don't remember having a specific
25 conversation with Chandra about that.

Talina McElhany - 3/29/2010

1 a lot of hours to get this conversion done, are you
2 envisioning Ms. Robins saying that?

3 A. She might say it, or one of us might say it.
4 It was just an informal comment.

5 Q. When you use the term "conversion," what you
6 mean is the conversion of a customer's software from
7 either Unix or some other preexisting software to EDPro?

8 A. A conversion of their data.

9 Q. Of data. And when you say conversion of data,
10 you're converting it from one software program to the
11 other, or you're doing something to the actual data to
12 make it able to be convert?

13 A. We didn't do anything to the data other than
14 verify it and make sure that it came into the new
15 software correctly, to be sure it landed in the right
16 place more or less.

17 Q. Okay. We'll talk about that. So when you're
18 talking about an example of someone saying that the
19 conversion is taking a long time, what you're thinking of
20 is this verification process of ensuring that the new
21 data was correctly input into the new software?

22 A. Not exactly.

23 Q. What did I say that was inaccurate that you
24 need to correct?

25 A. What we would do in a conversion -- and this

Talina McElhany - 3/29/2010

1 is a really condensed version.

2 Q. Give me that first.

3 A. Okay. We would contact the customer and
4 gather information from them verbally about their data
5 in the Unix system. For example, we would say, do you
6 have a July 1 beginning of your fiscal year or a
7 September 1 beginning of your fiscal year. How many
8 payrolls do you run in a month, what date do you run
9 those payrolls on. We would gather information like
10 that.

11 Q. Okay.

12 A. And then we would furnish that information to
13 the conversion programmer, and he would set up all the
14 things that needed to be done in a conversion database
15 to pull their data from the old software into the
16 conversion database, and then the programmer would work
17 his magic, and he would put the data after it had run
18 through the conversion database and software into the
19 new EDPro software.

20 And then in the process of doing that,
21 often he would hit errors, and we would have to go back
22 to the customer and say -- gather more information or
23 more accurate information than we were able to get the
24 first time.

25 Q. And that's the conversion process?

Talina McElhany - 3/29/2010

1 A. And you might do that over and over and over
2 again, and the programmer would print out the errors
3 that he ran up against and what further information we
4 needed to find out from the customer, and then we would
5 gather that and give him more information.

6 He would run the conversion again and
7 eventually get to a point where he could make a
8 spreadsheet, and it would say, in the Unix system -- I'm
9 just going to use an example.

10 Q. Okay.

11 A. In the Unix system in personnel, John Doe's
12 birthday is listed as October 1st, 1975, and in
13 payroll -- because there was a distinct personnel system
14 and a payroll system in Unix -- it says that his
15 birthday is August the 1st, 1975. You need to go back
16 and tell the customer that they've got to choose which
17 is correct and change it either in personnel or payroll.

18 And so we would have a list of errors
19 like that and many others too in other areas besides
20 just payroll. That's just the easiest example to give.
21 So we would furnish that information to the customer.
22 They would make changes in their Unix data, and then the
23 programmer would pull their data again and run it
24 through the conversion again until we got it to where
25 there were very few errors or no errors, and then he

Talina McElhany - 3/29/2010

1 would populate the EDPro database.

2 And then we would look at it and see --
3 we would run the error reports in the new software and
4 find where those errors were, and we would show those to
5 the programmer. And he would say okay, these are errors
6 that can be corrected in the EDPro side or, no, they're
7 not. So we might have to go back to the very beginning
8 and tell the customer there are more errors to correct
9 in the old data, in the Unix data, and he would have to
10 convert it again, and then put it back into the data.

11 So it just depended on how much you could
12 clean up or have the customer clean up before you got it
13 to the new software where you had to work on it.

14 Q. Okay. And what you've just described is the
15 conversion process?

16 A. More or less.

17 Q. I understand it's general.

18 A. It's general.

19 Q. You gave me some examples?

20 A. Uh-huh.

21 Q. Is that yes?

22 A. Yes. Sorry.

23 Q. That's okay. Let me ask you this question:
24 Did you ever do a system with a conversion from anything
25 other than Unix to EDPro?

Talina McElhany - 3/29/2010

1 A. I did not.

2 Q. When you were a customer support
3 representative, did you keep your time?

4 A. Yes.

5 Q. Was it the same system that we went over?

6 A. Yes.

7 Q. And was it the same system that existed while
8 you were a client liaison?

9 A. Yes.

10 Q. When you were a client liaison, did you ever go
11 to the school district location or office or school?

12 A. Once or twice.

13 Q. What examples are you thinking of?

14 A. I traveled once with Lisa White to West ISD.
15 They were a school that had just recently converted.
16 This was real soon after I came to work in that
17 department, and they were running their first
18 end-of-the-month payroll process, and it was the
19 practice of the company that any time they ran a process
20 for the first time, payroll, end-of-the-month, that kind
21 of thing, that they wanted someone from -- the company
22 wanted someone on-site to assist them with that, and I
23 went with Lisa to observe basically.

24 MS. BAGLEY: Paulo, whenever you get to a
25 point, I need to take a break.

Talina McElhany - 3/29/2010

1 MR. McKEEBY: Sure.

2 Q. Was that kind of your training process as a
3 client liaison?

4 A. Nobody ever said, this is part of your
5 training.

6 Q. But you were observing the process?

7 A. Uh-huh.

8 Q. Is that yes?

9 A. I'm sorry, yes, it is.

10 Q. That's all right. And that was at the West
11 ISD?

12 A. Yes.

13 Q. And what was the other example?

14 A. The only other one that I can remember, I went
15 with Chandra Robins and Kelly Hampton to Lumberton ISD.

16 Q. What was the purpose of that visit?

17 A. They were doing a planning meeting. It was an
18 initial meeting with a new customer -- well, new to
19 EDPPro, and Chandra and Kelly did demonstrations of the
20 human resources software and off the general ledger and
21 accounts payable and banking software for this customer.

22 Q. What did you do at the meeting?

23 A. I observed.

24 Q. Was this a day meeting?

25 A. Yeah, just one day.

Talina McElhany - 3/29/2010

1 Q. Was the West meeting a day meeting?

2 A. I believe we were at West for two days.

3 Q. Did you spend the night?

4 A. Yes.

5 MR. McKEEBY: I have a couple of more
6 questions, and then we'll take a break.

7 Q. So you were a client liaison from September of
8 2005 through August of 2008, correct?

9 A. Yes.

10 Q. And you just described the conversion process
11 to me. That's, I guess, an example of one of your job
12 responsibilities as a client liaison?

13 A. Yes.

14 Q. I understand there may be others that we'll
15 talk about, but I want to ask you general questions. Did
16 your job duties as a client liaison change during that
17 period of time? I understand there might have been an
18 initial period where you were doing some training, but
19 did the job of client liaison that you performed change
20 between September of 2005 and August of 2008?

21 A. Yes, there was a change.

22 Q. What change are you thinking of?

23 A. I think in the fall of '07, the conversion
24 programmer put a face on the program that he used. I
25 don't really know how to explain it. There was a

Talina McElhany - 3/29/2010

1 this initial call. First of all, at this point in the
2 process overall, the customer has already purchased EDPro
3 from EDP?

4 A. Well, I don't know at what point the purchase
5 occurred, but they had agreed that, yes, they were going
6 to convert, and this was going to be their software.

7 Q. Okay. Would you agree with me that a client
8 liaison was the primary point of contact between the
9 customer and EDP during the conversion process?

10 A. Yes.

11 Q. All right. So during this initial call, you
12 would gather information about the existing customer's
13 data?

14 A. Yes.

15 Q. And how would you know what questions to ask?

16 A. We had a list, a checklist more or less, of
17 questions that we had to ask and answer and check off as
18 they answered them.

19 Q. What was this list called?

20 A. I don't remember. I'm sorry. Client liaison
21 first call checklist, something like that, but I don't
22 recall the exact name.

23 Q. And how long was the list?

24 A. Two pages.

25 Q. So the questions that you're asking the

Talina McElhany - 3/29/2010

1 Q. Were there other -- other than yourself and
2 Lisa White, who were the other client liaisons?

3 A. For a time it was just me and Lisa, but Kelly
4 Hampton was also a liaison, and then before I left -- I
5 actually don't remember if DeLana was in that position
6 before I left or after I left.

7 Q. Who was the person you're thinking of?

8 A. DeLana Alford. And Janet Copeland was also a
9 liaison for a short time.

10 Q. So the departmental meetings would be between
11 Chandra Robins and the client liaisons at the time?

12 A. And the trainers.

13 Q. The trainers also reported to Chandra Robins?

14 A. Yes.

15 Q. Now, did these trainers also go by the
16 designation "implementers"?

17 A. Once Tyler took over, yes.

18 Q. The term "implementer" wasn't used as a job
19 designation while you were at EDP?

20 A. No.

21 Q. That statement I made was a correct statement?

22 A. I'm sorry, that is a correct statement.

23 Q. That's not your fault. I asked you a bad
24 question. Okay. That's a designation that started being
25 used when Tyler took over in September of 2007?

Talina McElhany - 3/29/2010

1 A. Yes.

2 Q. I think I have this, but your job didn't change
3 after Tyler took over, did it?

4 MS. BAGLEY: Object to form.

5 A. No, it did not.

6 Q. It did not change?

7 A. My duties didn't change. My title changed.

8 Q. Right. Your title changed from client liaison
9 to implementer?

10 A. I believe it was implementation specialist.

11 Q. But in terms of what you were doing on a
12 day-to-day basis, it stayed the same?

13 A. Yes.

14 Q. So the description of your job that I
15 referenced in Paragraph 4 of your declaration is accurate
16 as to while you were a client liaison at EDP and at
17 Tyler?

18 A. Yes.

19 Q. So how often were these departmental meetings?

20 A. I don't really know.

21 Q. Were they more than once a month?

22 A. No.

23 Q. Okay. So you have this initial call. What do
24 you do with the form that you completed? Did you give
25 that to the programmer?

Talina McElhany - 3/29/2010

1 information, they -- I mean, I stayed on the phone with
2 customers many times while they made changes if they
3 were unsure or felt uncomfortable about doing it, but
4 there might be a customer that might say, I'm really,
5 really busy, give me the list or e-mail me the list with
6 specific instructions, and I will do it at the end of
7 the day today.

8 Q. But were there some customers that were unsure
9 and maybe had the time and would want you to stay on the
10 phone with them to walk them through the process?

11 A. Yes.

12 Q. And you would do so?

13 A. Yes.

14 Q. And then once they made the changes on their
15 system, what happens next?

16 A. Then I go to the programmer and say, okay,
17 we've made all these changes that you gave me. He would
18 pull their data again and run the conversion again and,
19 hopefully, got further this time, give me the next set
20 of things that he saw wrong, and then the process would
21 start again.

22 Q. All right. Looking back at your declaration,
23 in that second sentence you talked about conversion of
24 the customer's data from their existing software to
25 EDPPro -- or we've been talking about that -- and then you

Talina McElhany - 3/29/2010

1 say: "As well as supporting the customer's employees on
2 the use and operation of the EDPro software." What does
3 that mean when you say "supporting the customer's
4 employees"? Does that refer to training?

5 A. I did not do training.

6 Q. What does that function relate to or refer to?

7 A. After the conversion, for a period of time
8 that was supposed to be six weeks with each school
9 district, but often stretched out to three months or
10 more, rather than a new customer having to call in and
11 get a support queue, I would be their primary support if
12 it was my conversion. So I would support them and
13 answer questions as they ran into problems or just were
14 unclear about a process.

15 Q. Okay. So where does the six weeks come from?

16 A. That was what we were told.

17 Q. Did you ever decline to take a call because it
18 was outside of the six-week period?

19 A. I did not -- well, unless I had been told to.
20 There were instances, but it was usually much longer
21 than six weeks when they would say, this customer has to
22 go to support now. Don't take calls from them.

23 Q. So then if they did call you, you would send
24 them to support?

25 A. Yes.

Talina McElhany - 3/29/2010

1 the process at that time?

2 A. No, they always called back. We were kind of
3 their point of contact when they were out there, just
4 like the liaison would be their point of contact.

5 Q. Would there be a reason for them to call back
6 other than to report an error that they had discovered?

7 A. Those were generally the reasons. I can't
8 think of any other. If there was some anomaly at a
9 district where they did things a little funny, they
10 might call back about that, but that would generally be
11 something we told them about before they went out to
12 start them up.

13 Q. What percentage of your job would you say
14 involved this conversion process?

15 MS. RAY: Can you clarify?

16 MR. McKEEBY: Let me see if the witness
17 knows.

18 A. The conversion process itself? I mean, when
19 it was running through the conversion program?

20 Q. Well, I'm thinking of conversion more broadly.
21 I'm thinking of conversion meaning the discussion that
22 you had with the client initially in the initial contact,
23 the process that you described before you get into the
24 support mode in connection with a particular --

25 A. Well, if you're talking about before I started

Talina McElhany - 3/29/2010

1 supporting, if you're talking about one school

2 district --

3 Q. I'm talking about one school district.

4 A. Okay. One school district that we're going to
5 take from Unix to EDPro, how much of my job was
6 conversions?

7 Q. Yes.

8 A. All of it.

9 Q. Okay. And so you're including the six-week
10 support as part of that conversion process?

11 A. No. You said before the support started, I
12 thought.

13 Q. Okay. Maybe I was confused.

14 MS. BAGLEY: I'm confused.

15 Q. That's all right. Of your overall job as a
16 client liaison, what percentage of your time was spent on
17 the conversion process, as you've just described it,
18 converting from Unix to EDPro?

19 A. Without the support?

20 Q. Without the support.

21 A. All of it, 100 percent.

22 Q. Okay. No, you're misunderstanding me.
23 Including the support, what would be the percentage?

24 A. That was just the conversion?

25 Q. Yes.

Talina McElhany - 3/29/2010

1 means because you learned it in the last conversion.
2 You know where to look because you learned it in the
3 last conversion.

4 MR. McKEEBY: Let's take a quick break.

5 MS. BAGLEY: Sure.

6 (Recess.)

7 Q. You indicated that 95 percent of your job was
8 involved in conversions, as you've defined it, before our
9 break.

10 A. Yes.

11 Q. Does the other 15 percent then fall into this
12 support function that you described?

13 A. Yes.

14 Q. If you'll turn to the second page of your
15 declaration, if you'll look at Paragraph 10, it talks
16 about your salary, correct?

17 A. Yes.

18 Q. So your salary at the time you left Tyler was
19 \$38,700?

20 A. I believe that's correct.

21 Q. Did you ever receive any bonus compensation?

22 A. From Tyler?

23 Q. Let's say from Tyler first.

24 A. No.

25 Q. What about from EDP?

Talina McElhany - 3/29/2010

1 Q. Why is that?

2 A. I didn't ever feel like I was managing
3 anything. I felt like I was more of a go-between, a
4 collector of information, and a disseminator of
5 information, but any managing that was done, I would
6 have deferred to Chandra on.

7 Q. But you were dealing with the clients?

8 A. Yes, I did. Now, under "Responsibilities,"
9 I'm not sure (reading) "working with conversion
10 programmers and assisting in the data preparation, QC
11 and conversion," QC, I'm not sure what that means. If
12 they just mean checking the data, okay, but quality
13 control in the sense that I'm used to thinking about
14 quality control, I'm not sure I agree with that.

15 Q. Were there separate quality control employees
16 at EDP?

17 A. Yes.

18 Q. Were they involved in the conversion process?

19 A. No. (Reading) "assists in the training of
20 support personnel," I never did that. I did not have --
21 I did not work with the implementation coordinator. In
22 fact, I'm not even sure who that would be considered,
23 probably Chandra to schedule the trainings. She
24 scheduled trainings.

25 Q. With the customer you mean?

Talina McElhany - 3/29/2010

C E R T I F I C A T E

I, TINA TERRELL BURNEY, Certified Shorthand Reporter, duly qualified in and for the State of Texas, certify that the foregoing deposition of TALINA REANN McELHANY was reported stenographically by me at the time and place indicated, said witness having been placed under oath by me, and that the transcript is a true record of the testimony given by the witness.

Review and signature by the witness were requested at the time of taking this deposition and the changes made by the witness are attached to the transcription of this deposition.

I further certify that the time used by all counsel is as follows:

Mr. Paulo M. McKeeby - 2 hours, 44 minutes

Ms. Laureen F. Bagley - 8 minutes

I further certify that I am neither counsel for nor related to or employed by any party in this cause and am not financially interested in its outcome.

Certified to this ____ day of April, 2010.

TINA TERRELL BURNEY, CSR No. 2908
Certified Shorthand Reporter
in and for the State of Texas
Certification expires 12/31/10

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